

**REMARKS**

In the Office Action, the Examiner rejects claims 12-16, 18, 19, 22-26, 28, 29, 43 and 44 under 35 U.S.C. § 102(e) as being anticipated by SHKEDY (U.S. Patent No. 6,260,024); and rejected claims 2-6, 8, 9, 32-36, 38, 39, 41, 42, and 45 under 35 U.S.C. § 103(a) as being unpatentable over SHKEDY.

Claims 2-6, 8, 9, 12-16, 18, 19, 22-26, 28, 29, 32-36, 38, 39, and 41-45 were pending in the present application prior to the above amendments. Claims 44 and 45 have been amended to improve form. All claims are deemed patentable over the cited SHKEDY reference for at least the reasons set forth in detail below. Reconsideration and timely allowance of all claims are respectfully requested.

**REJECTIONS UNDER 35 U.S.C. § 102**

Claims 12-16, 18, 19, 22-26, 28, 29, 43 and 44 were rejected under 35 U.S.C. § 102(e) as being anticipated by SHKEDY. Applicant respectfully traverses.

Independent claim 43, as previously amended, is directed toward a method for performing a monetary transaction. The method includes receiving payee, user, and amount information from a wireless device associated with a user, identifying a first account associated with the user based on the user information, prompting a payee device associated with the payee, for information relating to a second account associated with the payee based on the payee information, and transferring funds based on the amount information between the first account and the second account. SHKEDY does not disclose this combination of features, as required by 35 U.S.C. § 102.

For example, SHKEDY does not disclose receiving *payee information* from a wireless device associated with a user, as recited in claim 43. The Examiner relied on col. 5, lines 2-35 for allegedly disclosing the receipt of payee information by a monetary transaction system (Office Action, pg. 4). Applicant respectfully submits that this section of SHKEDY does not disclose receiving *payee information*, as recited in claim 43.

At col. 5, lines 2-35, SHKEDY discloses:

Each of the plurality of buyers who wish to make purchase independently access the control controller 200 to create forward purchase orders (FPOs) to submit their purchase orders for items and/or services. The central controller 200 is preferably located at a remote server.

FIG. 2a illustrates the steps associated with the creation, transmission, and inclusion of an FPO 100 into the PPO database 265. At step 40, a buyer selects the category of goods or services to be purchased. At step 42, the buyer selects the particular item or service in the category. At step 44, the buyer adds a quantity specifier along with any other required buyer specified conditions. At step 46, a buyer will specify along with item, quantity, and buyer identification data, the pool date (i.e., seller bidding date) he wishes to participate in and an outside delivery date. The pool date represents the specific date at which the central controller (intermediary) 200 will make the PPO available to the sellers for bidding. A buyer will typically have a choice of two or more pool dates from which to choose. He must, however, select only a single pool date into which is FPO 100 will be included. If his FPO comprises multiple categories of goods, he could, however, provide a single pool date per category.

At step 48, the buyer is prompted for possible additional items or services that he wishes to purchase. If so, steps 40-46 are repeated for each additional item or service to be purchased, otherwise at step 50, the buyer attaches his user identification to the FPO and transmits the FPO to the central controller 200.

A typical buyer created forward purchase order, FPO 100, could, for example, specify that the buyer wishes to purchase two dozen BIC medium point black roller ball pens and one dozen BIC medium point blue roller ball pens.

This section of SHKEDY discloses the type of information submitted by buyers in creating forward purchase orders for bidding by potential sellers. This section of

SHKEDY also discloses the manner in which the information is received. Contrary to the Examiner's interpretation, this section of SHKEDY clearly does not disclose receiving payee or seller information from the buyer. Rather, SHKEDY specifically indicates that the buyer is submitting an FPO for inclusion in a bidding pool which may then be bid upon by multiple potential sellers. The receipt of specific seller or payee information from the buyer would eliminate the very benefits that the system of SHKEDY offers, i.e., the ability for buyers to create and submit purchase orders to an intermediary for presentation to multiple potential sellers. For at least this reason, claim 43 is not anticipated by SHKEDY. Reconsideration and allowance of claim 43 are therefore respectfully requested.

Claims 12-16 and 18-19 depend from claim 43. Therefore, these claims are not anticipated by SHKEDY for at least the reasons given above with respect to claim 43.

Independent claim 44, as amended, recites features similar to features recited above with respect to claim 43. Therefore, claim 44 is patentable over SHKEDY for reasons similar to the reasons given above with respect to claim 43.

Claims 22-26, 28, and 29 depend from claim 44. Therefore, these claims are patentable over SHKEDY for at least the reasons given above with respect to claim 44.

#### REJECTIONS UNDER 35 U.S.C. § 103

Claims 2-6, 8, 9, 32-36, 38, 39, 41, 42, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SHKEDY. Applicant respectfully traverses.

Independent claim 42 is directed to a monetary transaction system. The system includes a payment processing system configured to receive payee, user, and amount information from a wireless device associated with the user, identify a first account associated with the user based on the user information, identify a second account associated with the payee based on the payee information, transfer funds based on the amount information between the first account and the second account, and send a notification of the transfer of the funds to the wireless device, the notification including an itemization of goods or services associated with the transfer. SHKEDY does not disclose or suggest this combination of features.

For example, SHKEDY does not disclose a payment processing system configured to receive *payee information* from a wireless device associated with a user, as recited in claim 42. As in the above-discussed rejection of claim 43, the Examiner again relied on col. 5, lines 2-35 of SHKEDY for allegedly disclosing the receipt of payee information by a monetary transaction system (Office Action, pg. 6). Applicant respectfully submits that this section of SHKEDY does not disclose or properly suggest receiving *payee* information, as recited in claim 42.

As discussed above, the cited section of SHKEDY discloses the type of information submitted by buyers in creating forward purchase orders for bidding by potential sellers. Contrary to the Examiner's interpretation, this section of SHKEDY clearly does not disclose receiving *payee* or *seller* information from the buyer. SHKEDY specifically indicates that the buyer is submitting an FPO for inclusion in a bidding pool which may then be bid upon by multiple potential sellers. Furthermore, although not

specifically addressed in the Office Action, it would not have been obvious to modify the system of SHKEDY to include payee information in the FPO submission by the buyer. Rather, the receipt of specific seller or payee information from the buyer would run counter to the entire concept of the SHKEDY system, that being a system that enables buyers to create and submit purchase orders to an intermediary for presentation to multiple potential sellers. For at least this reason, claim 42 is patentable over SHKEDY. Reconsideration and allowance of claim 42 are therefore respectfully requested.

Claims 2-6, 8, and 9 depend from claim 42. Therefore, these claims are patentable over SHKEDY for at least the reasons given above with respect to claim 42.

Independent claim 45, as amended, recites features similar to features recited above with respect to claim 42. Therefore, claim 45 is patentable over SHKEDY for reasons similar to the reasons given above with respect to claim 42.

Claims 32-36, 38, 39, and 41 depend from claim 45. Therefore, these claims are patentable over SHKEDY for at least the reasons given above with respect to claim 45.

#### CONCLUSION

In view of the foregoing Amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and  
please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By: 

Robin C. Clark  
Registration No. 40,956

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11240 Waples Mill Road  
Suite 300  
Fairfax, Virginia 22030  
(571) 432-0800